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In re Application of
VENKITARAMAN et al.
Application No.: 10/531,242
PCT No.: PCT/GB03/04485
Int. Filing Date: 14 October 2003
Priority Date: 14 October 2002
Attorney Docket No.: 620-363
For: RAD51-BRC REPEAT CRYSTAL

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This decision is in response to "Statement Pursuant to 37 CFR 1.497(d)" filed 24 May 2005. The \$130 petition fee under 37 CFR 1.17 will be charged to Deposit Account no. 14-1140.

BACKGROUND

On 14 October 2003, applicants filed the above-captioned international application, which claimed a priority date of 14 October 2002. The international application named: Ashok Venkitaraman; Luca Pellegrini; Tom Blundell; David Yu; Thomas Lo; Debbie Bates; Mahmud Shivji; Shubha Anand; and MiYoung Lee as applicants/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 April 2005.

On 14 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee; a copy of the international application; and a preliminary amendment.

On 24 May 2005, applicants filed "Statement Pursuant to 37 CFR 1.497(d)."

DISCUSSION

In the instant case, the international application named Ashok Venkitaraman; Luca Pellegrini; Tom Blundell; David Yu; Thomas Lo; Debbie Bates; Mahmud Shivji; Shubha Anand; and MiYoung Lee as applicants/inventors. Applicants request to delete Shubha Anand; Thomas Lo; and MiYoung Lee as applicants/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(h); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied items (1), (2), and (3).

In order to satisfy item (4), applicants are required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b).

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b). Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459